

milestone reached by Marquis Alexander. He is the first African American to become commander of the Texas A&M Corps of Cadets.

Currently, Marquis is a corporal in the U.S. Marine Reserves and a rising senior majoring in international studies. Congratulations.

The history of African Americans at A&M University dates back to the founding of the institution. African Americans in the Texas Legislature advocated for and supported the passage of the Moral Land Grant Act in 1866, which established A&M College of Texas between 1876 and 1963. African Americans worked at Texas A&M as laborers, maids, custodians, and various other support staff; however, they were prohibited from attending as students and faculty until 1963.

It's been a long time, but here we are today to congratulate this young man, a graduate of Barbara Jordan High School in the 18th Congressional District, my district, in Houston, Texas. He is the oldest of 10 children, and the first in his family to go to college. He is said to be an admirable and mature young man. Alexander is currently a corporal in the Marine Reserves. He has become the first person with military experience to head the corps.

Texas A&M University has the proud distinction of having the most graduates to enlist in our Nation's Armed Forces when compared to other non-military academies.

Mr. Alexander grew up in my home city of Houston. Our city is proud of his achievements. He has always wanted to attend Texas A&M. He was so gung ho for the military that he participated in the Texas A&M Junior Cadet Accessions Program while still in high school. A week after enlisting in the Marine Corps, he received a letter of acceptance from Texas A&M. Yet true to his word and commitment, Alexander attended boot camp at the Marine Corps Depot in San Diego.

He is the kind of young American that we can be proud of. I am so proud of him. Congratulations to you and your family. This is a glory hallelujah day, and congratulations to Texas A&M for opening it up to being a student body president and yell leader.

#### EXPORT-IMPORT BANK

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Madam Speaker, over the years, it's become harder to find the "Made in America" label even though we know that a robust manufacturing industry is essential for our economy and it creates jobs.

Thankfully, we've got a great opportunity to help manufacturing, the Export-Import Bank, the entity that helps American companies export American goods. The U.S. Chamber has urged the bank's reauthorization be-

cause it supports American job creation.

Since 2007, companies in my home State of Virginia have supported almost a billion dollars in export sales because of the bank, with those in my district alone supporting \$130 million in exports.

Last week, House Republicans brought up a bill to help small businesses, allegedly, that will cost taxpayers \$46 billion. Eighty-five percent of the Export-Import Bank's transactions aid those very same small businesses, and the bank provides a net benefit to taxpayers—more than \$4 billion over the last 6 years.

The Export-Import Bank is good business, Madam Speaker. It creates jobs. It supports American companies, and it returns a profit to the American taxpayer. I urge my colleagues to support its reauthorization.

□ 1330

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### DIGITAL ACCOUNTABILITY AND TRANSPARENCY ACT OF 2012

Mr. ISSA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2146) to amend title 31, United States Code, to require accountability and transparency in Federal spending, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2146

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Digital Accountability and Transparency Act of 2012" or the "DATA Act".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

#### TITLE I—ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING

- Sec. 101. General requirements for accountability and transparency in Federal spending.
- Sec. 102. Data standardization for accountability and transparency in Federal spending.
- Sec. 103. Amendments to the Federal Funding Accountability and Transparency Act of 2006.
- Sec. 104. Effective date and deadlines for accountability and transparency in Federal spending.

#### TITLE II—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY COMMISSION

- Sec. 201. Federal Accountability and Spending Transparency Commission.
- Sec. 202. Conforming amendment relating to compensation of Chairman.
- Sec. 203. Conforming amendments related to Recovery Accountability and Transparency Board.

#### TITLE III—ADDITIONAL PROVISIONS

- Sec. 301. Classified information.
- Sec. 302. Paperwork Reduction Act exemption.
- Sec. 303. Matching program exception for inspectors general.
- Sec. 304. Transfer of Consolidated Federal Funds Report.
- Sec. 305. Transfer of authority over Catalog of Federal Domestic Assistance to Commission.
- Sec. 306. Government Accountability Office Improvement.
- Sec. 307. Amendments to the Inspector General Act of 1978 and the Inspector General Reform Act of 2008.
- Sec. 308. Limits and transparency for travel and conference spending.
- Sec. 309. Effective date.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) The term "Commission" means the Federal Accountability and Spending Transparency Commission established under subchapter III of chapter 36 of title 31, United States Code, as added by this Act.

(2) The term "Executive agency" has the meaning provided by section 105 of title 5, United States Code, except the term does not include the Government Accountability Office.

#### TITLE I—ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING

##### SEC. 101. GENERAL REQUIREMENTS FOR ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING.

(a) IN GENERAL.—Subtitle III of title 31, United States Code, is amended by inserting after chapter 35 the following new chapter:

##### "CHAPTER 36—ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING

###### "SUBCHAPTER I—REPORTING REQUIREMENTS

- "3601. Definitions.
- "3602. Recipient reporting requirement.
- "3603. Agency reporting requirement.
- "3604. Treasury reporting requirement.
- "3605. Exemptions from recipient reporting requirement.

###### "SUBCHAPTER II—DATA STANDARDIZATION

- "3611. Data standardization for reporting information.
- "3612. Full disclosure of information.
- "3613. Federal accountability portal.
- "3614. Agency responsibilities.
- "3615. Consolidated financial reporting.
- "3616. Office of Management and Budget responsibilities.
- "3617. Treasury responsibilities.
- "3618. General Services Administration responsibilities.

###### "SUBCHAPTER III—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY COMMISSION

- "3621. Establishment.
- "3622. Composition of the Commission.
- "3623. Functions.
- "3624. Powers.
- "3625. Employment, personnel, and related authorities.
- "3626. Transfer of certain personnel.
- "3627. Advisory committee to Commission.
- "3628. Authorization and availability of appropriations.
- "3629. Sunset.

###### "SUBCHAPTER IV—GENERAL PROVISIONS

- "3641. Independence of inspectors general.
- "3642. Effective date.

"SUBCHAPTER I—REPORTING  
REQUIREMENTS

**"§ 3601. Definitions**

"In this chapter:

"(1) **RECIPIENT.**—The term 'recipient' means—

"(A) any person that receives Federal funds pursuant to a Federal award, either directly or through a subgrant or subcontract at any tier; and

"(B) any State, local, or tribal government, or any government corporation, that receives Federal funds pursuant to a Federal award, either directly or through a subgrant or subcontract at any tier.

"(2) **FEDERAL AWARD.**—The term 'Federal award' means Federal financial assistance and expenditures that—

"(A) include grants, subgrants, loans, awards, cooperative agreements, agreements entered into under other transactional authority, and other forms of financial assistance; and

"(B) include contracts, subcontracts, purchase orders, task orders, and delivery orders.

"(3) **COMMISSION.**—The term 'Commission' means the Federal Accountability and Spending Transparency Commission established under subchapter III of this chapter, or any successor entity to the Federal Accountability and Spending Transparency Commission.

"(4) **CHAIRMAN.**—The term 'Chairman' means the Chairman of the Federal Accountability and Spending Transparency Commission.

"(5) **EXECUTIVE AGENCY.**—The term 'Executive agency' has the meaning provided by section 105 of title 5, except the term does not include the Government Accountability Office.

"(6) **FOREIGN CORRUPT PRACTICES ACT OF 1977.**—The term 'Foreign Corrupt Practices Act of 1977' means—

"(A) section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1); and

"(B) sections 104 and 104A of the Foreign Corrupt Practices Act (15 U.S.C. 78dd-2).

**"§ 3602. Recipient reporting requirement**

"(a) **REQUIREMENT.**—Each recipient shall report to the Commission each receipt and use of Federal funds pursuant to a Federal award.

"(b) **CHARACTERISTICS OF REPORTS.**—

"(1) **FREQUENCY OF REPORTS.**—

"(A) **IN GENERAL.**—The Commission shall designate, by rule, the frequency of reports to be submitted by recipients under subsection (a), but the frequency shall not be less than once each quarter.

"(B) **DEADLINES.**—The Commission shall, by rule, specify deadlines by which a particular receipt or use of Federal funds must be reported by a recipient under subsection (a). In specifying deadlines under this subparagraph, the Commission shall take into account the capabilities of the management and accounting systems and processes of recipients. The Commission shall, by rule, provide for extensions of the deadlines specified under this subparagraph in cases of hardship or emergency.

"(C) **CONTINUOUS OR AUTOMATIC REPORTING.**—To the extent practicable, the Commission shall require continuous or automatic reporting for compliance with this section.

"(2) **CONTENT OF REPORTS.**—Each report submitted by a recipient under subsection (a) shall contain the following information:

"(A) An identification of the recipient, including the recipient's name and location (including city, county, State, congressional district, and country), with location information provided in proper United States Postal Service standardized format, including ZIP+4, or proper international postal

service standardized format where applicable.

"(B) An identification of the recipient and the parent entity of the recipient, if the recipient is owned by another entity.

"(C) An identification of the Executive agency.

"(D) An identification of the Federal award.

"(E) If applicable, an identification of the program pursuant to which the Federal award was awarded.

"(F) The total amount of Federal funds received from that Executive agency for the Federal award, during the period covered by the report.

"(G) The amount of Federal funds from the Federal award that were expended or obligated by the recipient to projects or activities during the period covered by the report.

"(H) A list of all projects or activities for which Federal funds were expended or obligated.

"(I) If the Federal award is a prime award, an identification of its immediate sub-awards.

"(J) If the Federal award is a subaward, an identification of its immediate prime award.

"(K) Such additional information reasonably related to the receipt and use of Federal funds as the Commission shall, by rule, require.

"(3) **USE OF DATA STANDARDS.**—The reports submitted under this section shall use the common data elements and data reporting standards designated by the Commission under section 3611 of this title.

"(c) **FULFILLMENT OF REQUIREMENTS BY PRIME Awardees.**—The Commission shall, by rule, permit prime awardees to fulfill the requirements of this section on behalf of sub-awardees, so long as all subaward tiers are reported.

"(d) **GUIDANCE BY COMMISSION.**—The Commission shall issue guidance to recipients on compliance with this section.

"(e) **PREPOPULATION.**—To the extent practicable, the Commission shall prepopulate its electronic systems for the submission of reports required by this section with data submitted to it by agencies under section 3603 of this title, and shall permit recipients either to confirm that prepopulated data is correct or, if it is incorrect, to make corrections.

"(f) **REGISTRATION.**—Recipients required to report information under subsection (a) shall register with the Central Contractor Registration database or complete such other registration requirements as the Commission shall, by rule, require.

**"§ 3603. Agency reporting requirement**

"(a) **REQUIREMENT.**—Each Executive agency shall report to the Commission all obligations and expenditures of Federal funds.

"(b) **CHARACTERISTICS OF REPORTS.**—

"(1) **FREQUENCY OF REPORTS.**—

"(A) **IN GENERAL.**—The Commission shall designate, by rule, and after consultation with the Office of Management and Budget, the frequency of reports to be submitted by agencies under subsection (a), but the frequency shall not be less than once each quarter.

"(B) **DEADLINES.**—The Commission shall, by rule, and after consultation with the Office of Management and Budget, specify the deadline by which an obligation or expenditure must be reported by an agency under subsection (a).

"(C) **CONTINUOUS OR AUTOMATIC REPORTING.**—To the extent practicable, the Commission shall require continuous or automatic reporting for compliance with this section.

"(2) **CONTENT OF REPORT.**—

"(A) **INFORMATION RELATING TO FEDERAL AWARDS.**—Each report submitted by an Exec-

utive agency under subsection (a) that relates to a Federal award shall contain the following information for that Federal award:

"(i) An identification of the recipient, including the recipient's name and location (including city, State, congressional district, and country), with location information provided in proper United States Postal Service standardized format, including ZIP+4, or proper international postal service standardized format where applicable.

"(ii) An identification of the recipient and the parent entity of the recipient, should the entity be owned by another entity.

"(iii) An identification of the Executive agency.

"(iv) An identification of the Federal award.

"(v) If applicable, an identification of the program pursuant to which the Federal award was awarded.

"(vi) If necessary, the total amount of the award.

"(vii) The total amount of Federal funds received by the recipient from the Executive agency for the Federal award, during the period covered by the report.

"(viii) Information on the award, including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (if applicable), the program source, and an award title descriptive of the purpose of each funding action.

"(ix) Such additional information reasonably related to the Federal award as the Commission shall, by rule, require.

"(B) **INFORMATION NOT RELATING TO FEDERAL AWARDS.**—The content of each report submitted by an Executive agency under subsection (a) that does not relate to a Federal award shall be designated by the Commission, by rule, and after consultation with the Office of Management and Budget.

"(C) **IDENTIFICATION INFORMATION.**—To the extent practicable, reports submitted by agencies under subsection (a) shall identify the programs, budget functions, Treasury accounts, and appropriations categories pursuant to which Federal funds are obligated or expended.

"(D) **USE OF OTHER REPORTING INFORMATION.**—To the extent practicable, the Commission shall permit agencies to comply with subsection (a) by submitting the same information that they submit or contribute for other governmentwide reporting requirements, including the following:

"(i) For information about Federal awards—

"(I) the Federal assistance awards data system established pursuant to section 6102a of title 31, United States Code;

"(II) the Federal procurement data system established pursuant to section 1122(a)(4) of title 41, United States Code;

"(III) the common application and reporting system established pursuant to section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note); or

"(IV) such systems as may be established to replace or supplement the systems identified in this clause.

"(ii) For information about internal expenditures and accounting, the Federal Agencies' Centralized Trial-Balance Systems (FACTS I and FACTS II), the Governmentwide Financial Report System (GFRS), the Intragovernmental Fiduciary Confirmation System (IFCS), or such systems as may be established to replace or supplement such systems.

"(3) **USE OF DATA STANDARDS.**—The reports submitted under this section shall use the common data elements and data reporting

standards designated by the Commission under section 3611 of this title.

“(4) INFORMATION ALSO SUBJECT TO RECIPIENT REPORTING REQUIREMENT.—In complying with this section, each Executive agency shall identify, to the extent practicable, Federal awards made by the agency that are subject to the recipient reporting requirement of section 3602 of this title so that information reported by recipients and information reported by the agency can be directly compared.

“(C) GUIDANCE BY COMMISSION.—The Commission shall issue guidance to Executive agencies on compliance with this section.

“(d) COMMISSION TO MONITOR COMPLIANCE.—The Commission shall regularly report to Congress on each Executive agency’s compliance with this section, including the timeliness, completeness, accuracy, and interoperability of the data submitted by each Executive agency. The Commission shall make these reports publicly available contemporaneously online.

#### “§ 3604. Treasury reporting requirement

“(a) REQUIREMENT.—The Department of the Treasury shall report to the Commission disbursements of Federal funds.

“(b) CHARACTERISTICS OF REPORTS.—

“(1) FREQUENCY OF REPORTS.—

“(A) IN GENERAL.—The Commission and the Secretary of the Treasury shall determine the frequency of reports submitted by the Department of the Treasury under subsection (a), but the frequency shall not be less than once each quarter.

“(B) CONTINUOUS OR AUTOMATIC REPORTING.—To the extent practicable, the Commission and the Department of the Treasury shall establish continuous or automatic reporting for compliance with this section.

“(2) CONTENT OF REPORT.—

“(A) The Commission and the Secretary of the Treasury shall determine the content of reports submitted by the Department of the Treasury under subsection (a).

“(B) To the extent practicable, reports submitted by the Department of the Treasury under subsection (a) shall identify the programs, budget functions, Treasury accounts, and appropriations categories pursuant to which Federal funds are disbursed.

“(3) USE OF DATA STANDARDS.—The reports submitted under this section shall use the common data elements and data reporting standards designated by the Commission under section 3611 of this title.

“(c) COMMISSION TO MONITOR COMPLIANCE.—The Commission shall regularly submit to Congress reports on compliance by the Department of the Treasury with this section, including the timeliness, completeness, accuracy, and interoperability of the data submitted. The Commission shall make all reports submitted under this subsection publicly available contemporaneously online.

#### “§ 3605. Exemptions from recipient reporting requirement

“(a) EXEMPTION.—A recipient is exempt from the reporting requirement of section 3602 of this title with respect to funds received pursuant to a Federal award if—

“(1) the recipient is an individual; and

“(2) either—

“(A) the total amount of Federal funds received by the recipient does not exceed \$100,000 in the current calendar year or fiscal year; or

“(B) no transaction in which the recipient has received Federal funds during the current calendar year or fiscal year has exceeded \$24,999.

“(b) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—The Commission may, by rule, grant additional exemptions under this section for classes or categories of recipients.

“(c) ADJUSTMENT FOR INFLATION.—The Commission shall, by rule, provide for an ad-

justment of the dollar thresholds specified in subsection (a)(2) to maintain the constant dollar value of the threshold.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle III of title 31, United States Code, is amended by inserting after the item relating to chapter 35 the following new item:

#### “36. Accountability and Transparency in Federal Spending ..... 3601”

#### SEC. 102. DATA STANDARDIZATION FOR ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING.

Chapter 36 of title 31, United States Code, as added by section 101, is amended by adding at the end the following new subchapter:

#### “SUBCHAPTER II—DATA STANDARDIZATION

#### “§ 3611. Data standardization for reporting information

“(a) COMMON DATA ELEMENTS.—

“(1) REQUIREMENT.—The Commission shall, by rule, designate common data elements, such as codes, identifiers, and fields, for information required to be reported by recipients and agencies under this chapter, including identifiers for recipients, awards, and agencies.

“(2) CHARACTERISTICS OF COMMON DATA ELEMENTS.—The common data elements designated under this subsection shall, to the extent practicable, be nonproprietary.

“(3) EXISTING COMMON DATA ELEMENTS.—In designating common data elements under this subsection, the Commission shall, to the extent practicable, ensure interoperability and incorporate the following:

“(A) Common data elements developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization.

“(B) Common data elements developed and maintained by intragovernmental partnerships, such as the National Information Exchange Model.

“(C) Common data elements developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

“(D) Common data elements developed and maintained by accounting standards organizations.

“(b) DATA REPORTING STANDARDS.—

“(1) REQUIREMENT.—The Commission shall, by rule, designate data reporting standards to govern the reporting required to be performed by recipients and agencies under this title.

“(2) CHARACTERISTICS OF DATA REPORTING STANDARDS.—The data reporting standards designated under this subsection shall, to the extent practicable—

“(A) incorporate a widely accepted, nonproprietary, searchable, platform-independent computer-readable format;

“(B) be consistent with and implement applicable accounting principles; and

“(C) be capable of being continually upgraded as necessary.

“(3) EXISTING DATA REPORTING STANDARDS.—In designating reporting standards under this subsection, the Commission shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language (XBRL).

#### “§ 3612. Full disclosure of information

“The Commission shall publish online all information submitted by recipients and agencies pursuant to sections 3602, 3603, and 3604 of this title in accordance with the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

#### “§ 3613. Federal accountability portal

“(a) REQUIREMENT.—The Commission shall establish and maintain a government-wide Internet-based data access system, to be known as a ‘Federal accountability portal’, to carry out the functions described in subsection (b).

“(b) FUNCTIONS.—

“(1) IN GENERAL.—The Federal accountability portal shall incorporate—

“(A) information submitted by recipients and agencies under sections 3602, 3603, and 3604 of this title;

“(B) other information maintained by Federal, State, local, and foreign government agencies; and

“(C) other commercially and publicly available information.

“(2) SPECIFIC FUNCTIONS.—The Federal accountability portal shall be designed and operated to carry out the following functions:

“(A) Combine information submitted by recipients and agencies under sections 3602, 3603, and 3604 of this title with other compilations of information, including those listed in paragraph (1).

“(B) Permit Executive agencies, in accordance with applicable law, to verify the eligibility and responsibility of recipients and potential recipients with respect to the receipt and use of Federal funds.

“(C) Permit Executive agencies, inspectors general, law enforcement agencies, and appropriate State authorities, in accordance with applicable law, to track Federal awards and recipients to detect and prevent waste, fraud, and abuse.

“(D) Serve as the primary accountability portal for the entire Federal Government.

“(c) GUIDANCE BY COMMISSION.—The Commission shall issue guidance on the use of and access to the Federal accountability portal.

#### “§ 3614. Agency responsibilities

“(a) REQUIREMENT.—As a condition of receipt of Federal funds of an Executive agency pursuant to any Federal award, the Executive agency shall require any recipient of such funds to provide the information required under section 3602 of this title.

“(b) PENALTIES FOR RECIPIENT NONCOMPLIANCE.—

“(1) IN GENERAL.—The head of an Executive agency may impose a civil penalty in an amount not more than \$250,000 on a recipient of Federal funds from that Executive agency that does not provide the information required under section 3602 of this title or provides information that contains a material omission or misstatement.

“(2) NONPRECLUSION.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the United States or any other person. Any amounts received from a civil penalty under this subsection shall be deposited in the Treasury of the United States to the credit of the appropriation or appropriations from which the award is made.

“(3) NOTIFICATION.—The head of an Executive agency shall provide a written notification to a recipient that fails to provide the information required under section 3602 of this title or provides information that contains a material omission or misstatement. Such notification shall provide the recipient with information on how to comply with the requirements of such section 3602 and notice of the penalties for failing to do so. The head of the Executive agency may not impose a civil penalty under paragraph (1) until 60 days after the date of the notification.

“(c) COMPLIANCE WITH COMMISSION GUIDANCE.—Executive agencies shall comply with the instructions and guidance issued by the Commission under this Act.

“(d) INFORMATION AND ASSISTANCE.—

“(1) IN GENERAL.—Upon request of the Commission for information or assistance from any Executive agency or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Commission, or an authorized designee.

“(2) REPORT OF REFUSALS.—Whenever information or assistance requested by the Commission is, in the judgment of the Commission, unreasonably refused or not provided, the Commission shall report the circumstances to Congress.

“(e) REQUIREMENT TO USE COMMON DATA ELEMENTS AND DATA REPORTING STANDARDS.—After the Commission designates any common data element or data reporting standard under section 3611 of this title, each Executive agency shall issue guidance that requires every recipient of Federal funds under any of its Federal awards to use that common data element or data reporting standard for any information reported to that Executive agency to which the common data element or data reporting standard is applicable.

“(f) PREPOPULATION.—To the extent practicable, each Executive agency shall use data from the website maintained by the Commission under the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) to prepopulate any electronic systems maintained by that agency for the submission of reports on the receipt and use of Federal funds distributed by that agency.

#### “§ 3615. Consolidated financial reporting

“(a) REPORT IDENTIFYING RECIPIENT FINANCIAL REPORTING REQUIREMENTS TO BE CONSOLIDATED.—In consultation with the Office of Management and Budget, each Executive agency shall, not later than two years after the effective date of this chapter, submit to the President, Congress, and the Commission a report that—

“(1) describes any agency-specific financial reporting requirements for recipients of Federal funds pursuant to a Federal award from the agency;

“(2) identifies every element of information that such recipients must regularly submit to the agency pursuant to such requirements; and

“(3) for each element so identified, identifies whether that element or a similar element is already being reported to the Commission by such recipients under this title.

“(b) DATE CERTAIN THAT RECIPIENTS MAY USE CONSOLIDATED FINANCIAL REPORTING.—Beginning on the date that is three years after the effective date of this chapter, recipients of Federal funds are deemed to have satisfied the agency-specific financial reporting requirements identified in the reports required by subsection (a) by transmitting the same information to the Commission, in a manner prescribed by the Commission.

“(c) RECIPIENT NOTIFICATION.—After an Executive agency has submitted its report under subsection (a), the Executive agency shall issue guidance notifying recipients of Federal funds under its awards that they may, as of the date that is three years after the effective date of this chapter, satisfy those agency-specific financial reporting requirements identified by the agency in its report required under subsection (a) by reporting the same information to the Commission only.

“(d) COMMISSION RESPONSIBILITIES.—

“(1) After an Executive agency submits its report under subsection (a), the Commission shall promulgate rules describing the manner in which the agency-specific financial reporting requirements identified in the report

may be met by recipients of Federal funds from that agency through reporting to the Commission only.

“(2) Upon receipt of agency-specific financial reporting information as described under this section, the Commission shall immediately make such information available to the Executive agency to which the information had previously been required to be submitted.

#### “§ 3616. Office of Management and Budget responsibilities

“After the Commission designates any common data element or data reporting standard under section 3611 of this title, the Director of the Office of Management and Budget shall issue guidance that requires Executive agencies to use that common data element or data reporting standard for any information reported by Executive agencies to the Office of Management and Budget to which the common data element or data reporting standard is applicable.

#### “§ 3617. Treasury responsibilities

“After the Commission designates any common data element or data reporting standard under section 3611 of this title, the Secretary of the Treasury shall issue guidance that requires Executive agencies to use that common data element or data reporting standard for any information reported by Executive agencies to the Department of the Treasury to which the common data element or data reporting standard is applicable.

#### “§ 3618. General Services Administration responsibilities

“After the Commission designates any common data element or data reporting standard under section 3611 of this title, the Administrator of General Services shall apply that common data element or data reporting standard for any information contained in acquisition-related databases maintained by the General Services Administration to which the common data element or data reporting standard is applicable.”

#### SEC. 103. AMENDMENTS TO THE FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006.

(a) ADDITIONAL REQUIREMENTS FOR USASPENDING.GOV.—Section 2(c) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively; and

(3) by adding at the end the following new paragraphs:

“(4) shall, to the extent practicable, publish data under this section in a manner that complies with applicable principles and best practices in the private sector for the publication of open government data;

“(5) shall serve as a public portal for Federal financial information, including information concerning all Federal awards and information concerning the expenditure of all Federal funds;

“(6) shall—

“(A) make available all information published under subsections (b), (c), and (d) in a reasonably timely manner;

“(B) make available all information published under subsections (b), (c), and (d), using the common data elements and data reporting standards designated by the Commission under section 3611 of title 31, United States Code;

“(C) make available all information published under subsections (b), (c), and (d) without charge, license, or registration requirement;

“(D) permit all information published under subsections (b), (c), and (d) to be searched and aggregated;

“(E) permit all information published under subsections (b), (c), and (d) to be downloaded, including downloaded in bulk;

“(F) to the extent practicable, disseminate information published under subsections (b), (c), and (d) via automatic electronic means;

“(G) to the extent practicable, permit information published under subsections (b), (c), and (d) to be freely shared by the public, such as by social media; and

“(H) to the extent practicable, use permanent uniform resource locators for information published under subsections (b), (c), and (d).”

(b) REQUIREMENT TO REPORT ALL DATA SUBMITTED UNDER DATA ACT AND CHAPTER 61 OF TITLE 31 ON USASPENDING.GOV.—Section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note), as amended by subsection (a), is further amended—

(1) by striking subsections (d) and (e);

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following new subsections (c) and (d):

“(c) FULL DISCLOSURE OF DATA SUBMITTED UNDER THE DIGITAL ACCOUNTABILITY AND TRANSPARENCY ACT OF 2012.—

“(1) REQUIREMENT.—The Commission shall publish on the website established under this section all information submitted by recipients and agencies pursuant to sections 3602, 3603, and 3604 of title 31, United States Code, as added by the Digital Accountability and Transparency Act of 2012.

“(2) AGGREGATION OF INFORMATION THAT IS EXEMPT FROM RECIPIENT REPORTING REQUIREMENT.—The Commission shall publish, online and in the aggregate, information that is exempt from recipient reporting under section 3605 of such title but that is reported by an Executive agency under section 3603 of such title in the aggregate.

“(d) FULL DISCLOSURE OF INFORMATION REQUIRED BY CHAPTER 61 OF TITLE 31.—The Commission shall publish on the website established under this section all information contained in the information system required under section 6103 of title 31, United States Code.”

(c) ADDITIONAL DEFINITIONS.—Subsection 2(a) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) is amended by adding at the end the following:

“(4) RECIPIENT.—The term ‘recipient’ means—

“(A) any person that receives Federal funds pursuant to a Federal award, either directly or through a subgrant or subcontract at any tier; and

“(B) any State, local, or tribal government, or any government corporation, that receives Federal funds pursuant to a Federal award, either directly or through a subgrant or subcontract at any tier.

“(5) COMMISSION.—The term ‘Commission’ means the Federal Accountability and Spending Transparency Commission established under subchapter III of chapter 36 of title 31, United States Code, or any successor entity to the Federal Accountability and Spending Transparency Commission.”

(d) NEW TECHNOLOGIES.—Section 2(f) of the Federal Funding Accountability and Transparency Act of 2006 is amended—

(1) by striking “Nothing” and inserting the following:

“(1) ACCESS TO OTHER DATA.—Nothing”; and

(2) by adding at the end the following new paragraph:

“(2) NEW TECHNOLOGIES.—Nothing in this Act shall prohibit the Commission from complying with the requirements of this section using such new technologies as may replace websites for data publication and dissemination.”

(e) CONFORMING AMENDMENTS TO REPLACE OMB WITH COMMISSION FOR MANAGEMENT OF USASPENDING.GOV.—Section 2 of such Act (31 U.S.C. 6101 note) is further amended—

(1) in subsection (b), by striking “Office of Management and Budget” and inserting “Commission” both places it appears in paragraph (1); and

(2) in subsection (g), by striking “Director of the Office of Management and Budget” and inserting “Commission” in paragraph (1) and in paragraph (3).

(f) REPEAL OF SUPERSEDED PROVISIONS.—Section 2(b) of such Act (31 U.S.C. 6101 note) is further amended by striking paragraphs (3) and (4).

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Such Act (31 U.S.C. 6101 note) is further amended—

(1) in section 2(b), by striking “Not later than January 1, 2008, the” and inserting “The”; and

(2) in section 2(g)—

(A) by striking “Committee on Government Reform” and inserting “Committee on Oversight and Government Reform”; and

(B) in paragraph (2)—

(i) by inserting “and” at the end of subparagraph (A);

(ii) by striking “; and” at the end of subparagraph (B) and inserting a period; and

(iii) by striking subparagraph (C).

#### **SEC. 104. EFFECTIVE DATE AND DEADLINES FOR ACCOUNTABILITY AND TRANSPARENCY IN FEDERAL SPENDING.**

(a) EFFECTIVE DATE.—Chapter 36 of title 31, United States Code, as added by section 101, is further amended by adding at the end the following new subchapter:

##### **“SUBCHAPTER IV—GENERAL PROVISIONS**

##### **“§ 3641. Independence of inspectors general**

“Nothing in this chapter shall affect the independent authority or discretion of an inspector general to determine whether or how to conduct an audit, investigation, or any other function authorized by the Inspector General Act of 1978 (5 U.S.C. App.), or to disclose any information relating to an audit or investigation.

##### **“§ 3642. Effective date**

“This chapter takes effect on the date of the enactment of this chapter.”.

(b) DEADLINES FOR IMPLEMENTATION.—

(1) DEADLINE FOR APPOINTMENT OF COMMISSIONERS.—Within 60 days after the effective date of this Act, the President shall appoint Commissioners to the Commission under section 3622 of title 31, United States Code, as added by this Act.

(2) COMMISSION DEADLINES.—

(A) Within 60 days after the effective date of this Act, the Commission shall establish the committee required under section 3627 of title 31, United States Code, as added by this Act.

(B) Within 180 days after the effective date of this Act, the Commission shall—

(i) promulgate rules and issue guidance under sections 3602 and 3603 of title 31, United States Code, as added by this Act;

(ii) together with the Secretary of the Treasury, determine the frequency and content of reports to be submitted to the Commission by the Department of the Treasury under section 3604 of such title, as so added;

(iii) designate common data elements under section 3611(a) of such title and data reporting standards under section 3611(b) of such title, as so added; and

(iv) establish one or more websites under the Federal Funding Accountability and Transparency Act of 2006, as amended by this Act.

(3) AGENCY AND DEPARTMENT DEADLINES.—

(A) Within one year after the effective date of this Act, each Executive agency shall im-

plement section 3614(a) of title 31, United States Code, as added by this Act.

(B) Within two years after the Commission designates any common data element or data reporting standard under section 3611 of such title, as so added—

(i) each Executive agency shall issue guidance under section 3614(e) of such title, as so added;

(ii) the Director of the Office of Management and Budget shall issue guidance under section 3615 of such title, as so added; and

(iii) the Administrator of General Services shall take the actions required under section 3617 of such title, as so added.

(4) TREASURY DEADLINES.—

(A) Within 180 days after the effective date of this Act, the Secretary of the Treasury, together with the Commission, shall determine the frequency and content of reports to be submitted to the Commission by the Department of the Treasury under section 3604 of title 31, United States Code, as added by this Act.

(B) Within 180 days after the Commission and the Secretary of the Treasury determine the frequency and content of reports to be submitted to the Commission by the Department of the Treasury under section 3604 of such title, as so added, the Department of the Treasury shall begin to submit such reports to the Commission.

(C) Within two years after the Commission designates any common data element or data reporting standard under section 3611 of such title, as so added, the Secretary of the Treasury shall issue guidance under section 3616 of such title, as so added.

(5) RECIPIENT DEADLINES.—Notwithstanding any other provision of this Act or the amendments made by this Act, no recipient shall be required to comply with this Act or such amendments until 180 days after the Commission has issued rules and guidance under section 3602 of title 31, United States Code, as added by this Act.

(6) TRANSFER OF USASPENDING.GOV.—Within 180 days after the effective date of this Act, the Commission and the Office of Management and Budget shall transfer the management and control of USASpending.gov from the Office of Management and Budget to the Commission, as required by the Federal Funding Accountability and Transparency Act of 2006, as amended by this Act.

#### **TITLE II—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY COMMISSION**

##### **SEC. 201. FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY COMMISSION.**

Chapter 36 of title 31, United States Code, as added by section 101, is further amended by inserting after subchapter II the following new subchapter:

##### **“SUBCHAPTER III—FEDERAL ACCOUNTABILITY AND SPENDING TRANSPARENCY COMMISSION**

##### **“§ 3621. Establishment**

“(a) ESTABLISHMENT.—There is established the Federal Accountability and Spending Transparency Commission as an independent agency in the Executive Branch.

“(b) FUNCTIONS AND POWERS TRANSFERRED.—

“(1) FUNCTIONS TRANSFERRED.—Except as provided in this section, there are transferred to the Commission all functions of the Recovery Accountability and Transparency Board.

“(2) POWERS, AUTHORITIES, RIGHTS, AND DUTIES.—The Federal Accountability and Spending Transparency Commission shall succeed to all powers, authorities, rights, and duties that were vested in the Recovery Accountability and Transparency Board on

the day before the effective date of this chapter.

##### **“§ 3622. Composition of the Commission**

“(a) MEMBERS.—

“(1) IN GENERAL.—The Commission shall be composed of five Commissioners who shall be appointed by the President, by and with the consent of the Senate.

“(2) PARTY AFFILIATION.—Not more than three of the members of the Commission shall be members of the same political party.

“(3) TERM.—Each Commissioner shall hold office for a term of five years and until a successor is appointed and has qualified, except that—

“(A) a Commissioner shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of such term of office;

“(B) any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which that Commissioner's predecessor was appointed shall be appointed for the remainder of such term; and

“(C) the terms of office of the Commissioners first taking office after the enactment of this paragraph shall expire as designated by the President at the time of nomination, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years.

“(4) COMPENSATION.—An individual appointed to the Commission under this subsection shall be compensated at the rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5.

“(b) CHAIRMAN.—

“(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, a member of the Commission as Chairman, who shall serve as Chairman at the pleasure of the President. An individual may be appointed as Chairman at the same time that person is appointed as a Commissioner. At any time, the President may appoint, by and with the advice and consent of the Senate, a different Chairman, and the Commissioner previously appointed as Chairman may complete that Commissioner's term as a Commissioner.

“(2) DUTIES.—The Chairman shall be the chief administrative officer of the Commission and shall preside at meetings of the Commission.

“(3) POWERS AND FUNCTIONS.—

“(A) Except as otherwise provided in this paragraph and in section 3625 of this chapter, the executive and administrative functions of the Commission, including functions of the Commission with respect to the appointment and supervision of personnel employed under the Commission, the distribution of business among such personnel and among administrative units of the Commission, and the use and expenditure of funds, according to budget categories, plans, programs, and priorities established and approved by the Commission, shall be exercised solely by the Chairman.

“(B) In carrying out any of his functions under the provisions of this paragraph, the Chairman shall be governed by the general policies, plans, priorities, and budgets approved by the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

“(C) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

“(D) Personnel employed regularly and full time in the immediate offices of Commissioners other than the Chairman shall not be affected by the provisions of this paragraph.

“(E) The Commission shall be responsible for the functions of revising budget estimates of the Commission and determining the distribution of appropriated funds according to major programs and purposes of the Commission.

“(F) The Chairman may authorize the performance by any officer, employee, or administrative unit under the Chairman’s jurisdiction of any functions of the Chairman under this paragraph.

“(4) LIMITATION ON TERMS.—No person appointed as Chairman under this subsection shall serve as Chairman for more than 10 years, whether or not such service is consecutive.

“(5) INTERIM CHAIRMAN.—Upon the effective date of this chapter, the person serving as Chairperson of the Recovery Accountability and Transparency Board on the day before the effective date of this chapter shall serve as acting Chairman of the Commission until the President appoints a Chairman of the Commission pursuant to this subsection.

“(c) VACANCIES.—A vacancy in the Commission shall not impair the right of the remaining Commissioners to exercise all the powers of the Commission.

#### “§ 3623. Functions

“(a) IN GENERAL.—The Commission shall—  
“(1) be responsible for the collection, storage, and public disclosure of information about Federal spending;

“(2) serve as the authoritative government source for the information about Federal spending that it collects; and

“(3) coordinate and conduct oversight of Federal funds in order to prevent waste, fraud, and abuse.

“(b) SPECIFIC FUNCTIONS.—The functions of the Commission shall include each of the following:

“(1) Receiving, storing, and publicly disseminating all of the information that is reported to it under sections 3602, 3603, and 3604 of this title.

“(2) Reviewing whether reporting under section 3602 of this title meets applicable standards and specifies the purpose of the Federal award and measures of performance.

“(3) Identifying possible criminal activity and referring such matters to appropriate Federal, State, and local law enforcement authorities.

“(4) Supporting ongoing criminal investigations, prosecutions, and related proceedings.

“(5) Furnishing research, analytical, and informational services to Executive agencies, inspectors general, law enforcement agencies, and appropriate State authorities in the interest of detection, prevention, and prosecution of waste, fraud, and abuse of Federal funds.

“(6) Regularly evaluating the quality of the data submitted to it under sections 3602, 3603, and 3604 of this title.

“(7) Standardizing common data elements and data reporting standards to foster transparency and accountability for Federal spending, as required by section 3611 of this title.

“(8) Reviewing whether there are appropriate mechanisms for interagency collaboration relating to Federal funds, including coordinating and collaborating to the extent practicable with the Council of the Inspectors General on Integrity and Efficiency established by section 11 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(9) Issuing a report in accordance with subsection (e) on the feasibility of collecting and publishing online tax expenditures data.

“(c) PRIORITIES IN ANALYSES AND REVIEWS.—

“(1) IN GENERAL.—To the extent practicable, the Commission shall give high pri-

ority to analyses and reviews relating to Federal funds—

“(A) awarded without the use of competitive procedures; or

“(B) awarded to any contractor found to be in violation of the Foreign Corrupt Practices Act of 1977.

“(2) IDENTIFICATION.—The Commission shall identify any contractor found to be in violation of the Foreign Corrupt Practices Act of 1977 as a violator of such Act in any contract information related to such contractor published online under the Federal Funding Accountability and Transparency Act of 2006.

“(d) REPORT REQUIREMENTS.—

“(1) REPORTS.—

“(A) REGULAR REPORTS ON DATA QUALITY AUDITS.—The Commission shall regularly submit to the President and Congress reports on its audits of the quality of the data submitted to it under sections 3602, 3603, and 3604 of this title.

“(B) SEMI-ANNUAL REPORTS ON ACTIVITIES.—The Commission shall submit semi-annual reports to the President and Congress, summarizing the activities and findings of the Commission and, in the Commission’s discretion, the findings of inspectors general of Executive agencies that relate to the Commission’s activities during the reporting period.

“(C) REPORT ON SAVINGS.—Not later than five years after the effective date of this chapter, the Commission shall submit to the President, Congress, and the Comptroller General of the United States a report containing estimates of the direct and indirect cost savings to the Treasury achieved as a result of the Commission’s activities.

“(D) OTHER REPORTS.—Section 2(f) of the Federal Funding Accountability and Transparency Act of 2006 requires another report by the Commission.

“(2) PUBLIC AVAILABILITY.—The Commission shall make all reports submitted under paragraph (1) publicly available contemporaneously online.

“(3) GAO EVALUATION.—Upon receipt of the report submitted by the Commission under paragraph (1)(C), the Comptroller General shall conduct an evaluation of the report and submit the evaluation to Congress within six months after receipt of the report, with such findings and recommendations as the Comptroller General considers appropriate.

“(e) TAX EXPENDITURES REPORT.—

“(1) IN GENERAL.—For purposes of subsection (b)(7), not later than one year after the effective date of this chapter, the Commission shall submit to the appropriate congressional committees a report on tax expenditures data that includes the following:

“(A) A description of processes that could be put in place to collect and disseminate tax expenditures data, and the potential effects of making such data publicly available on the Internal Revenue Service, taxpayers, and other relevant parties determined by the Commission.

“(B) Any changes in law that are needed to make such tax expenditures data publicly available.

“(2) TAX EXPENDITURES DEFINED.—In this section, the term ‘tax expenditures’ has the meaning given that term in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)).

“(3) PUBLIC AVAILABILITY.—The Commission shall make the report submitted under paragraph (1) publicly available.

“(f) RECOMMENDATIONS.—

“(1) IN GENERAL.—The Commission shall make recommendations to Executive agencies on measures to prevent waste, fraud, and abuse relating to Federal funds.

“(2) RESPONSIVE REPORTS.—Not later than 30 days after receipt of a recommendation under paragraph (1), an Executive agency

shall submit a report to the President, the congressional committees of jurisdiction, and the Commission on whether the Executive agency agrees or disagrees with the recommendations and any actions the Executive agency will take to implement the recommendations. The Commission shall make all reports submitted to it under this paragraph publicly available contemporaneously online.

#### “§ 3624. Powers

“(a) IN GENERAL.—The Commission shall conduct independent analyses and reviews of spending of Federal funds, including analyses and reviews of information maintained in the Federal accountability portal established under section 3612 of this title, and provide investigative and audit support to the inspectors general of Executive agencies.

“(b) ANALYSES AND REVIEWS.—The Commission may—

“(1) conduct its own independent analyses and reviews of spending of Federal funds; and

“(2) collaborate with and provide support for any inspector general of any Executive agency or other law enforcement authority on any audit, investigation, or other review relating to Federal funds.

“(c) AUTHORITIES.—

“(1) ANALYSES, REVIEWS, AND INVESTIGATIVE AND AUDIT SUPPORT.—In conducting analyses and reviews, and in providing investigative and audit support to inspectors general and law enforcement authorities, the Commission shall have the authorities provided under paragraphs (1), (3), and (6) through (10) of section 6(a), and section 6(b), of the Inspector General Act of 1978 (5 U.S.C. App.).

“(2) MATCHING PROGRAM AUTHORITY WITH RESPECT TO EVALUATIONS AND REVIEWS.—The authorities provided under section 6(a)(9) of the Inspector General Act of 1978 (provided to the Commission pursuant to paragraph (1)) may be used by the Commission while conducting an evaluation or other review authorized under such Act.

“(d) CONTRACTS.—

“(1) IN GENERAL.—The Commission may enter into contracts to enable the Commission to discharge its duties under this chapter, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Commission.

“(2) CONTRACTING FOR MISSIONS OF OTHER AGENCIES.—The Commission may enter into contracts with any Federal agency (within or outside the executive branch) to enable such agency to identify waste, fraud, and abuse, including contracts and other arrangements for audits, studies, analyses, and other services.

“(3) CONTRACTING FOR PUBLICATION OF DATA.—The Commission may make contracts or agreements with any Federal agency (within or outside the executive branch) to publish data maintained by such agency on the website maintained under the Federal Funding Accountability and Transparency Act of 2006.

“(e) TRANSFER OF FUNDS.—The Commission may transfer funds appropriated to the Commission for expenses to support administrative support services, investigations, audits, reviews, or other activities related to oversight by the Commission of Federal funds to any office of inspector general, the Office of Management and Budget, and the General Services Administration.

#### “§ 3625. Employment, personnel, and related authorities

“(a) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director, who shall be appointed by the Commission and serve at the pleasure of the Commission. The



Executive Director shall report directly to the Commission and carry out the functions of the Commission subject to the supervision and direction of the Commission. The position of Executive Director shall be a career reserved position in the Senior Executive Service, as that position is defined under section 3132 of title 5.

“(b) OTHER EMPLOYEES.—The Commission may appoint and fix the compensation of such officers, attorneys, information technology professionals, and other employees as may be necessary for carrying out the functions of the Commission under this chapter.

“(c) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Commission with administrative support services, including the provision of office space and facilities.

#### “§ 3626. Transfer of certain personnel

“(a) RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD EMPLOYEES.—The Chairman or Executive Director, or both, shall identify employees of the Recovery Accountability and Transparency Board for transfer to the Commission, and such identified employees shall be transferred to the Commission for employment.

“(b) PAY.—

“(1) Except as provided in paragraph (2), each transferred employee shall, during the 2-year period beginning on the effective date of this chapter, receive pay at a rate equal to not less than the basic rate of pay (including any geographic differential) that the employee received during the pay period immediately preceding the date of transfer.

“(2) Paragraph (1) does not limit the right of the Commission to reduce the rate of basic pay of a transferred employee for cause, for unacceptable performance, or with the consent of the employee.

“(3) Paragraph (1) applies to a transferred employee only while that employee remains employed by the Commission.

#### “§ 3627. Advisory committee to Commission

“(a) ESTABLISHMENT AND PURPOSE.—

“(1) ESTABLISHMENT.—The Commission shall establish an advisory committee to be known as the Federal Accountability and Spending Transparency Advisory Committee (in this section referred to as the ‘Advisory Committee’).

“(2) PURPOSE.—The Advisory Committee shall submit to the Commission such findings and recommendations related to the Commission’s implementation of this chapter as it determines are appropriate.

“(b) MEMBERSHIP AND CHAIRPERSON.—

“(1) IN GENERAL.—The Commission shall appoint no fewer than 10, and no more than 20, members to the Advisory Committee, from among individuals who—

“(A) represent the interests of recipients of Federal contracts;

“(B) represent the interests of State, local, and tribal governments receiving Federal grants;

“(C) represent the interests of other recipients of Federal funds; and

“(D) represent nonprofit organizations that advocate transparency and accountability in government.

“(2) TERM.—Each member of the Advisory Committee appointed under this section shall serve for a term of three years, except that the Commission may appoint original members of the Committee to one-year and two-year terms in order to achieve staggered terms. No person shall serve more than one term.

“(3) CHAIRPERSON.—The members of the Advisory Committee shall elect a chairperson.

“(c) MEETINGS.—The Advisory Committee shall meet not less frequently than six times annually, at the call of the chairperson of the Advisory Committee.

“(d) COMPENSATION AND TRAVEL EXPENSES.—Each member of the Committee who is not a full-time employee of the United States shall—

“(1) be entitled to receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5 for each day during which the member is engaged in the actual performance of the duties of the Committee; and

“(2) while away from the home or regular place of business of the member in the performance of services for the Committee, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5.

“(e) STAFF.—The Commission shall make available to the Advisory Committee such staff of the Commission as the chairperson of the Advisory Committee recommends is necessary to carry out this section.

“(f) REVIEW BY COMMISSION.—After receipt of any finding or recommendation from the Advisory Committee, the Commission shall—

“(1) review the finding or recommendation; and

“(2) promptly issue a public statement—

“(A) assessing the finding or recommendation of the Advisory Committee; and

“(B) disclosing the action, if any, the Commission intends to take with respect to the finding or recommendation.

“(g) ADVISORY COMMITTEE FINDINGS.—Nothing in this section shall be construed as requiring the Commission to agree to or act upon any finding or recommendation of the Advisory Committee.

“(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

#### “§ 3628. Authorization and availability of appropriations

“(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$51,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019 to carry out the functions of the Commission.

“(b) AVAILABILITY OF APPROPRIATIONS.—If the Recovery Accountability and Transparency Board has unobligated appropriations as of the effective date of this chapter, such appropriations are authorized to remain available to the Commission until September 30, 2015.

#### “§ 3629. Sunset

“This subchapter shall cease to be in effect after the date occurring seven years after the date of the enactment of this subchapter.”.

#### SEC. 202. CONFORMING AMENDMENT RELATING TO COMPENSATION OF CHAIRMAN.

Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

“Chairman of the Federal Accountability and Spending Transparency Commission.”.

#### SEC. 203. CONFORMING AMENDMENTS RELATED TO RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.

(a) REPEAL OF SUPERSEDED PROVISIONS IN SUBTITLE B OF TITLE XV OF PUBLIC LAW 111-5.—Subtitle B of title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended by striking sections 1521, 1522, 1525(a), 1529, and 1530.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES TO BOARD AND CHAIRPERSON.—

(A) Paragraph (2) of section 1501 of the American Recovery and Reinvestment Act of

2009 (Public Law 111-5; 123 Stat. 287) is amended to read as follows:

“(2) COMMISSION.—The term ‘Commission’ means the Federal Accountability and Spending Transparency Commission established in chapter 36 of title 31, United States Code.”.

(B) Such section is further amended by striking paragraph (3).

(C) The following provisions of such Act are amended by striking “Board” each place it appears and inserting “Commission” in the headings or text, as the case may be: the heading of subtitle B of title XV, and sections 1523, 1524, 1525(b), 1525(c), 1526, 1527, 1528, 1542, and 1553.

(D) Section 1513(b)(2) of such Act is amended by striking “the quarter in which the Board terminates under section 1530” and inserting “the quarter ending September 30, 2013”.

(c) REPEAL OF SUBTITLE B OF TITLE XV OF PUBLIC LAW 111-5.—Effective on October 1, 2013, subtitle B of title XV of division A of such Act is repealed.

(d) REFERENCES IN FEDERAL LAW TO BOARD.—On and after the effective date of this Act, any reference in Federal law to the Recovery Accountability and Transparency Board is deemed to be a reference to the Federal Accountability and Spending Transparency Commission.

### TITLE III—ADDITIONAL PROVISIONS

#### SEC. 301. CLASSIFIED INFORMATION.

Nothing in this Act or the amendments made by this Act shall be construed to require the public disclosure of classified information.

#### SEC. 302. PAPERWORK REDUCTION ACT EXEMPTION.

Section 3518(c) of title 44, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) Notwithstanding paragraph (3), this subchapter shall not apply to the collection of information during the conduct of any evaluation, or other review conducted by the Federal Accountability and Spending Transparency Commission, or during the conduct of any audit, investigation, inspection, evaluation, or any other review conducted by the Council of Inspectors General on Integrity and Efficiency or any office of inspector general, including any office of special inspector general.”.

#### SEC. 303. MATCHING PROGRAM EXCEPTION FOR INSPECTORS GENERAL.

Section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (8), by striking “and”;

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

“(9) notwithstanding subsections (e)(12), (o), (p), (q), (r), and (u) of section 552a of title 5, United States Code, to compare, through a matching program (as defined in such section), any Federal records with other Federal or non-Federal records, while conducting an audit, investigation, or inspection authorized under this Act to identify weaknesses that may lead to waste, fraud, or abuse and to detect improper payments and fraud; and”.

#### SEC. 304. TRANSFER OF CONSOLIDATED FEDERAL FUNDS REPORT.

(a) TRANSFER OF FUNCTIONS.—The Commission and the Secretary of Commerce shall transfer the functions of the Consolidated

Federal Funds Report to the website established under the Federal Funding Accountability and Transparency Act of 2006, as amended by this Act.

(b) INFORMATION.—Section 2(d) of the Federal Funding Accountability and Transparency Act of 2006, as amended by section 103 of this Act, is further amended—

(1) by striking the period at the end of paragraph (6) and inserting “; and”; and

(2) by adding at the end the following new paragraph:

“(7) shall permit users to determine the following information:

“(A) For each fiscal year, the total amount of Federal funds that were obligated in each State, county or parish, congressional district, and municipality of the United States.

“(B) For each fiscal year, the total amount of Federal funds that were actually expended in each State, county or parish, congressional district, and municipality of the United States.”.

(c) CONFORMING REPEALS OF SUPERSEDED PROVISIONS.—Chapter 62 of subtitle V of title 31, United States Code, is repealed. The item relating to that chapter in the table of chapters at the beginning of subtitle V of such title is repealed.

#### **SEC. 305. TRANSFER OF AUTHORITY OVER CATALOG OF FEDERAL DOMESTIC ASSISTANCE TO COMMISSION.**

(a) TRANSFER OF AUTHORITY FROM ADMINISTRATOR OF GENERAL SERVICES AND DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET TO COMMISSION.—

(1) DEFINITION.—Paragraph (6) of section 6101 of title 31, United States Code, is amended to read as follows:

“(6) ‘Commission’ means the Federal Accountability and Spending Transparency Commission established in subchapter III of chapter 36 of this title.”.

(2) AMENDMENTS RELATING TO PROGRAM INFORMATION REQUIREMENTS.—Section 6102 of such title is amended—

(A) in subsections (a) and (b), by striking “Administrator” and inserting “Commission” both places it appears;

(B) in subsection (c)—

(i) by striking “Administrator” and inserting “Commission”;

(ii) in paragraph (3), by striking “and that the printed catalog” and all that follows through “printing”; and

(iii) in paragraph (4)—

(I) by striking “transmit annually” and inserting “make”; and

(II) by striking “to the Committee” and all that follows through the period and inserting the following: “available to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.”.

(3) AMENDMENTS RELATING TO ASSISTANCE AWARDS INFORMATION SYSTEM.—Section 6102a of such title is amended—

(A) by striking subsection (b);

(B) by redesignating subsection (c) as subsection (b);

(C) by striking “Director” and inserting “Commission” each place it appears; and

(D) in subsection (b), as so redesignated—

(i) by striking “transmit promptly after the end of each calendar quarter, free of charge,” and insert “make available”; and

(ii) by striking “Oversight” and inserting “Administration”.

(4) AMENDMENTS RELATING TO ACCESS TO COMPUTER INFORMATION SYSTEM.—Section 6103 of such title is amended—

(A) in subsections (a) and (c), by striking “Administrator” and inserting “Commission” each place it appears; and

(B) by striking the text of subsection (b) and inserting the following: “The Commission shall publish online all of the informa-

tion contained in the information system under subsection (a) in accordance with the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).”.

(5) AMENDMENTS RELATING TO CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS.—Section 6104 of such title if amended by striking “Administrator” and inserting “Commission” each place it appears.

(6) REPEAL OF AUTHORIZATION.—Section 6106 of such title is repealed.

(b) DEADLINE FOR TRANSFER OF PROGRAM INFORMATION SYSTEM AND CATALOG OF FEDERAL DOMESTIC ASSISTANCE.—Within 180 days after the effective date of this Act, the Commission and the Administrator of General Services shall transfer the management and control of the following from the Administrator to the Commission, as required by chapter 61 of title 31, United States Code, as amended by subsection (a):

(1) The computer information system required under section 6103 of such title, as so amended.

(2) The catalog of Federal domestic assistance programs required under section 6104 of such title, as so amended.

(c) DEADLINE FOR TRANSFER OF ASSISTANCE AWARDS INFORMATION SYSTEM.—Within 180 days after the effective date of this Act, the Commission and the Director of the Office of Management and Budget shall transfer the management and control of the assistance awards information system from the Director to the Commission, as required by section 6102a of title 31, United States Code, as amended by subsection (a).

#### **SEC. 306. GOVERNMENT ACCOUNTABILITY OFFICE IMPROVEMENT.**

(a) AUTHORITY TO OBTAIN INFORMATION.—

(1) AUTHORITY TO OBTAIN RECORDS.—Section 716 of title 31, United States Code, is amended in subsection (a)—

(A) by striking “(a)” and inserting “(2)”; and

(B) by inserting after the section heading the following:

“(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge his duties (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law.”.

(2) COPIES.—Section 716(a) of title 31, United States Code, as amended by subsection (a), is further amended in the second sentence of paragraph (2) by striking “inspect an agency record” and inserting “inspect, and make and retain copies of, an agency record”.

(b) ADMINISTERING OATHS.—Section 711 of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

“(4) administer oaths to witnesses when auditing and settling accounts and, with the prior express approval of the Comptroller General, when investigating fraud or attempts to defraud the United States, or irregularity or misconduct of an employee or agent of the United States.”.

(c) ACCESS TO CERTAIN INFORMATION.—

(1) ACCESS TO CERTAIN INFORMATION.—Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

#### **“§ 721. Access to certain information**

“(a) No provision of the Social Security Act, including section 453(l) of that Act (42 U.S.C. 653(l)), shall be construed to limit, amend, or supersede the authority of the

Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title.

“(b) No provision of the Federal Food, Drug, and Cosmetic Act, including section 301(j) of that Act (21 U.S.C. 331(j)), shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title.

“(c) No provision of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (Public Law 94-435) and the amendments made by that Act shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect or copy any record under section 716 of this title, including with respect to any information disclosed to the Assistant Attorney General of the Antitrust Division of the Department of Justice or the Federal Trade Commission for purposes of pre-merger review under section 7A of the Clayton Act (15 U.S.C. 18a).

“(d)(1) The Comptroller General shall prescribe such policies and procedures as are necessary to protect from public disclosure proprietary or trade secret information obtained consistent with this section.

“(2) Nothing in this section shall be construed to—

“(A) alter or amend the prohibitions against the disclosure of trade secret or other sensitive information prohibited by section 1905 of title 18 and other applicable laws; or

“(B) affect the applicability of section 716(e) of this title, including the protections against unauthorized disclosure contained in that section, to information obtained consistent with this section.

“(e) Specific references to statutes in this section shall not be construed to affect access by the Government Accountability Office to information under statutes that are not so referenced.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 720 the following:

“721. Access to certain information.”.

(d) AGENCY REPORTS.—Section 720(b) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “or planned” after “action taken”; and

(2) by striking paragraph (1) and inserting the following:

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the congressional committees with jurisdiction over the agency program or activity that is the subject of the recommendation, and the Government Accountability Office before the 61st day after the date of the report; and”.

#### **SEC. 307. AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978 AND THE INSPECTOR GENERAL REFORM ACT OF 2008.**

(a) INCORPORATION OF PROVISIONS FROM THE INSPECTOR GENERAL REFORM ACT OF 2008 INTO THE INSPECTOR GENERAL ACT OF 1978.—

(1) CLASSIFICATION AND PAY.—

(A) AMENDMENT.—Section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new subsection:

“(i) CLASSIFICATION AND PAY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity shall, for pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, at or above those of a majority of the senior level executives of that designated



Federal entity (such as a General Counsel, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, or Chief Acquisition Officer). The pay of an Inspector General of a designated Federal entity shall be not less than the average total compensation (including bonuses) of the senior level executives of that designated Federal entity calculated on an annual basis.

“(2) LIMITATION ON ADJUSTMENT.—

“(A) IN GENERAL.—In the case of an Inspector General of a designated Federal entity whose pay is adjusted under paragraph (1), the total increase in pay in any fiscal year resulting from that adjustment may not exceed 25 percent of the average total compensation (including bonuses) of the Inspector General of that entity for the preceding 3 fiscal years.

“(B) SUNSET OF LIMITATION.—The limitation under subparagraph (A) shall not apply to any adjustment made in fiscal year 2013 or each fiscal year thereafter.”

(B) CONFORMING REPEAL.—Section 4(b) of the Inspector General Reform Act of 2008 (Public Law 110-409; 122 Stat. 4304; 5 U.S.C. App. 3 note) is repealed.

(2) PAY RETENTION.—

(A) AMENDMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding after section 8L the following new section:

“SEC. 8M. PAY RETENTION.

“(a) IN GENERAL.—The provisions of section 3392 of title 5, United States Code, other than the terms ‘performance awards’ and ‘awarding of ranks’ in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

“(b) NONREDUCTION IN PAY.—Notwithstanding any other provision of law, career Federal employees serving on an appointment made pursuant to statutory authority found other than in section 3392 of title 5, United States Code, shall not suffer a reduction in pay, not including any bonus or performance award, as a result of being appointed to the position of Inspector General.”

(B) CONFORMING REPEAL.—Section 4(c) of the Inspector General Reform Act of 2008 (Public Law 110-409; 122 Stat. 4304; 5 U.S.C. App. 3 note) is repealed.

(3) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

(A) AMENDMENT.—Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

“(12) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

“(A) SPECIAL COUNSEL DEFINED.—In this paragraph, the term ‘Special Counsel’ means the Special Counsel appointed under section 1211(b) of title 5, United States Code.

“(B) AUTHORITY OF INTEGRITY COMMITTEE.—

“(i) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation by the Integrity Committee to the same extent and in the same manner as in the case of an allegation against an Inspector General (or a member of the staff of an Office of Inspector General), subject to the requirement that the Special Counsel recuse himself or herself from the consideration of any allegation brought under this paragraph.

“(ii) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This paragraph does not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent

that an allegation brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which that allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of that title.

“(C) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this paragraph, subject to such consultation or other requirements as might otherwise apply.”

(B) CONFORMING AMENDMENT.—Section 7(b) of the Inspector General Reform Act of 2008 (Public Law 110-409; 122 Stat. 4312; 5 U.S.C. 1211 note) is repealed.

(b) AGENCY APPLICABILITY.—

(1) AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by subsection (a), is further amended—

(A) in section 8L—

(i) in subsection (a)(1)—

(I) by striking the first “agency” and inserting “Federal agency and designated Federal entity”; and

(II) by striking the second and third “agency” and inserting “Federal agency or designated Federal entity”; and

(ii) in subsection (b)—

(I) in paragraph (1), by striking “agency” and inserting “Federal agency and designated Federal entity”; and

(II) in paragraph (2)—

(aa) in subparagraph (A), by striking “agency” and inserting “Federal agency and designated Federal entity”; and

(bb) in subparagraph (B), by striking “agency” and inserting “Federal agency and designated Federal entity”; and

(B) in section 11(c)(3)(A)(ii), by striking “department, agency, or entity of the executive branch” and inserting “Federal agency or designated Federal entity”.

(2) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head and the Inspector General of each Federal agency and each designated Federal entity (as such terms are defined in sections 12 and 8G of the Inspector General Act of 1978 (5 U.S.C. App.), respectively) shall implement the amendments made by this subsection.

(c) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—Section 8L(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking “report or audit (or portion of any report or audit)” and inserting “audit report, inspection report, or evaluation report (or portion of any such report)”; and

(2) by striking “report or audit (or portion of that report or audit)” and inserting “report (or portion of that report)” each place it appears.

(d) CORRECTIONS.—

(1) EXECUTIVE ORDER NUMBER.—Section 7(c)(2) of the Inspector General Reform Act of 2008 (Public Law 110-409; 122 Stat. 4313; 31 U.S.C. 501 note) is amended by striking “12933” and inserting “12993”.

(2) PUNCTUATION AND CROSS-REFERENCES.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in section 6(a)(4), by striking “information, as well as any tangible thing” and inserting “information”, as well as any tangible thing”; and

(B) in section 8G(g)(3), by striking “8C” and inserting “8D”.

(3) SPELLING.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in section 3(a), by striking “subpena” and inserting “subpoena”; and

(B) in section 6(a)(4), by striking “subpena” and “subpenas” and inserting “subpoena” and “subpoenas”, respectively;

(C) in section 8D(a)—

(i) in paragraph (1), by striking “subpenas” and inserting “subpoenas”; and

(ii) in paragraph (2), by striking “subpena” and inserting “subpoena”, each place it appears;

(D) in section 8E(a)—

(i) in paragraph (1), by striking “subpenas” and inserting “subpoenas”; and

(ii) in paragraph (2), by striking “subpena” and inserting “subpoena” each place it appears; and

(E) in section 8G(d), by striking “subpena” and inserting “subpoena”.

(e) REPEAL.—Section 744 of the Financial Services and General Government Appropriations Act, 2009 (division D of Public Law 111-8; 123 Stat. 693; 5 U.S.C. App. 8L) is repealed.

SEC. 308. LIMITS AND TRANSPARENCY FOR TRAVEL AND CONFERENCE SPENDING.

(a) TRAVEL EXPENSES OF FEDERAL AGENCIES RELATING TO CONFERENCES.—

(1) LIMITATIONS AND REPORTS ON TRAVEL EXPENSES TO CONFERENCES.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5711 the following:

“§ 5712. Limitations and reports on travel expenses to conferences

“(a) In this section, the term—

“(1) ‘conference’ means a meeting that—

“(A) is held for consultation, education, or discussion;

“(B) is not held entirely at an agency facility;

“(C) involves costs associated with travel and lodging for some participants; and

“(D) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations; and

“(2) ‘international conference’ means a conference attended by representatives of —

“(A) the United States Government; and

“(B) any foreign government, international organization, or foreign nongovernmental organization.

“(b) No agency may pay the travel expenses for more than 50 employees of that agency who are stationed in the United States, for any international conference occurring outside the United States, unless the Secretary of State determines that attendance for such employees is in the national interest.

“(c) At the beginning of each quarter of each fiscal year, each agency shall post on the public Internet website of that agency a report on each conference for which the agency paid travel expenses during the preceding 3 months that includes—

“(1) the itemized expenses paid by the agency, including travel expenses, the cost of scouting for and selecting the location of the conference, and any agency expenditures to otherwise support the conference;

“(2) the primary sponsor of the conference;

“(3) the location of the conference;

“(4) in the case of a conference for which that agency was the primary sponsor, a statement that—

“(A) justifies the location selected;

“(B) demonstrates the cost efficiency of the location; and

“(C) provides a cost benefit analysis of holding a conference rather than conducting a teleconference;

“(5) the date of the conference;

“(6) a brief explanation how the conference advanced the mission of the agency;

“(7) the title of any Federal employee or any individual who is not a Federal employee whose travel expenses or other conference expenses were paid by the agency; and

“(8) the total number of individuals whose travel expenses or other conference expenses were paid by the agency.

“(d) Each report posted on the public Internet website under subsection (c) shall—

“(1) be in a searchable electronic format; and

“(2) remain on that website for at least 5 years after the date of posting.”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5711 the following:

“5712. Limitations and reports on travel expenses to conferences.”.

(b) **LIMITATIONS ON ANNUAL TRAVEL EXPENSES.**—

(1) **IN GENERAL.**—In the case of each of fiscal years 2012 through 2016, an agency (as defined under section 5701(1) of title 5, United States Code) may not make, or obligate to make, expenditures for travel expenses, in an aggregate amount greater than 80 percent of the aggregate amount of such expenses for fiscal year 2010.

(2) **IDENTIFICATION OF TRAVEL EXPENSES.**—

(A) **RESPONSIBILITIES.**—Not later than September 1, 2012 and after consultation with the Administrator of General Services and the Director of the Administrative Office of the United States Courts, the Director of the Office of Management and Budget shall establish guidelines for the determination of what expenses constitute travel expenses for purposes of this subsection. The guidelines shall identify specific expenses, and classes of expenses, that are to be treated as travel expenses.

(B) **EXEMPTION FOR MILITARY TRAVEL.**—The guidelines required under subparagraph (A) shall exclude military travel expenses in determining what expenses constitute travel expenses. Military travel expenses shall include travel expenses involving military combat, the training or deployment of uniformed military personnel, and such other travel expenses as are determined under the guidelines.

(c) **CONFERENCE TRANSPARENCY AND LIMITATIONS.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “agency” has the meaning given under section 5701(1) of title 5, United States Code; and

(B) the term “conference” has the meaning given under section 5712(a)(1) of that title (as added by subsection (a)).

(2) **PUBLIC AVAILABILITY OF CONFERENCE MATERIALS.**—Each agency shall post on the public Internet website of that agency detailed information on any presentation made by any employee of that agency at a conference, including—

(A) any minutes relating to the presentation;

(B) any speech delivered;

(C) any visual exhibit, including photographs or slides;

(D) any video, digital, or audio recordings of the conference; and

(E) information regarding any financial support or other assistance from a foundation or other non-Federal source used to pay or defray the costs of the conference, which shall include a certification by the head of the agency that there is no conflict of interest resulting from the support received from each such source.

(3) **LIMITATION ON AMOUNT EXPENDED ON A CONFERENCE.**—

(A) **IN GENERAL.**—No agency may expend more than \$500,000 to support a single conference.

(B) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed to preclude an agency from receiving financial support or other assistance from a foundation or other non-Federal source to pay or defray the costs of a conference the total cost of which exceeds \$500,000.

(4) **LIMITATION ON THE ANNUAL NUMBER OF CONFERENCES AN AGENCY MAY SUPPORT.**—No

agency may expend funds on more than a single conference sponsored or organized by an organization during any fiscal year, unless the agency is the primary sponsor and organizer of the conference.

#### SEC. 309. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

The American people have a right to know that taxpayer dollars are well spent. We have a responsibility to stay up with the times. As government has grown, waste, fraud, abuse, and mismanagement have increased. Today, however, the technology is before us, if we simply embrace it, to do a far better job of accounting for every dollar spent on behalf of the American people. That's not just the American dollars that are spent by the Federal Government, but dollars passed on to the private sector, to the States, to public entities, and to nonprofits.

Today, as those trillions of dollars are put out, we find that we don't know where they're spent. At best, we know the first place they went to. Under the Recovery Act, often called the “stimulus,” we can all disagree or agree on how the money was spent; but unlike previous appropriations, under that act, we found a way to do a better job of tracing the dollars, of tracing the dollars through recipient reporting—a system that, although costing a little bit to do, ultimately once set up saves money.

The DATA Act before us today will literally track those trillions of dollars in a way not done outside of the Recovery Act. Quite frankly, we owe a debt of gratitude to the Recovery Board for showing us an effective system on which we could build.

Just a few days ago, our committee, on a very bipartisan basis, evaluated the GSA's lavish spending. They explained to us that part of the way they spent \$830,000-plus was, in fact, to cobble together, as they put it, multiple baskets of money—meaning, if you didn't know or couldn't trace how they'd spent their money, you wouldn't know that it was spent on a mind reader and a clown. You wouldn't know that those 10 trips, essentially, were

publicly funded trips so that key executives could have family vacations.

With the DATA Act, we expect that and many other wasteful practices to be brought to an end. Some of them will be brought to an end by the ranking member and our work on the committee, but a great many of them will be brought to bear by the American people being able to search online and learn what they currently cannot learn.

The DATA Act has been a bill that has been, unlike many, completely bipartisan. The minority and the majority have worked hand in hand. We come to you today with a bill that has been agreed to and that will save—I repeat, save—billions of dollars. Additionally, we do, in fact, amend some of the abuses under the GSA scandal and do so based on the good work of Representative DENNIS ROSS of Florida, who introduced strong language to do exactly what we're doing today.

Before we go on, let me just say that I want to thank the ranking member, because the work on this bill and the reason this bill is before us on suspension is that we've been able to work hand in hand with members of the majority and minority and with key staff on both sides to make sure that we have a bill that will pass the House, hopefully, on a unanimous basis, and clearly, we'll see the Senate send a message that it's time for accountability generated from bipartisan work in the House.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

First, let me say that the chairman, Chairman ISSA, has worked very closely with us as we have cosponsored this bill and has worked hard to make sure that all of its provisions are satisfactory to this side. So he is absolutely right, Madam Speaker, it is truly a bipartisan bill. Again, I thank him.

Taxpayers deserve to know how their money is being spent, and we on our committee and all those in Congress believe we have a responsibility to ensure that those hard-earned tax dollars are spent effectively and efficiently. H.R. 2146, the Digital Accountability and Transparency Act, will make the Federal Government more accountable by making it easier for taxpayers to see where their money is going. By making government spending more transparent, we will, hopefully, reduce wasteful spending.

This bill aims to capitalize on the success of the Recovery Accountability and Transparency Board. The Democrats in Congress created the board as part of the Recovery Act in 2009. In addition to promoting job creation, economic activity and long-term growth, the Recovery Act fostered unprecedented accountability and transparency in government spending. Under the administration's implementation and the RAT Board's oversight, the Recovery Act has had historically

low levels of waste, fraud, and abuse. The successful implementation of the Recovery Act should be a model for improving transparency and accountability in all Federal spending.

The DATA Act would do many of the same things the President directed by executive order on June 13, 2011. The DATA Act would establish a new, independent commission to lead the government's efforts on Federal spending transparency and accountability. The new commission would be authorized to set government-wide data standards and to coordinate the oversight of Federal funds to prevent waste, fraud, and abuse.

I supported this legislation when it was considered by the Oversight Committee in June, but I had several concerns which I asked Chairman ISSA to work with me on addressing. I commend the chairman for bringing an amendment to the floor today that addresses those concerns.

This bill also includes language requiring agencies to disclose their spending on conferences and to justify their locations and cost efficiency. The bill, as amended, also requires agencies to reduce their travel spending by 20 percent from fiscal year 2010 levels. The President directed agencies to reduce travel spending in an executive order issued on November 9, 2011.

When he signed that executive order to cut waste and promote efficient spending, he said this:

We can't wait for Congress to act. We can't wait for them to get our fiscal house in order and make the investments necessary to keep America great. That's why, today, I'm signing an executive order that will build on our efforts to cut waste and promote more efficient spending across the government. We're cutting what we don't need so that we can invest in what we do need.

Let's show the President that Congress can and will act to reduce wasteful spending. I urge my colleagues to join me, our chairman, and our committee in supporting this legislation.

With that, Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I would now like to yield 5 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. If people call my office and ask a simple question, something as simple as, How much did this cost?, it is difficult for even a Member of Congress to be able to track down all the details. How much was allotted for that grant? How much was actually spent? How much was that contract? How much was actually spent? How much does this agency spend on X number of programs or on this specific program?

An individual hardworking taxpayer should be able to go research that out. Outside groups should be able to research that and should be able to develop some way to systematically research and compare. Right now, we can't do that.

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We may do something as labor intensive as mail them something, or email them some things that we found, or maybe get a PDF document and be able to send it in, or send them to an agency Web site, but there is no systematic structured way to be able to compare last year to this year, one agency to another agency, how this contract was done, how this grant was done. This is a great moment to be able to bring all that information together so that every group, including Congress, can pull that data and can research it.

This gets to the essence of why transparency is such a big deal because we want every single taxpayer to be able to look in and be able to see how their money is spent. That's an appropriate way to be able to respond to this.

This also eliminates the duplication reporting from a contractor or an agency that is actually trying to file this information to not have to do it multiple times, to make it more efficient. This deals with the inconsistent requirements of reporting across different platforms. This deals with the basics of grant and contract recipients being able to also report in that data, as was done by the Recovery Board, which has been very successful in getting accurate information in.

This also engages those outside individuals, grant writers, grant recipients, and contract recipients, to be able to come back in and process that data so we get real-time information. And it deals with one of the most basic things: efficient use of money. In this particular bill, it deals with all these conferences, reducing the cost of government conferences, finding some way to be able to put some parameters around them and structure, so that money is not pulled from one place or another to be able to function in conference, a conference that doesn't have a quarter of a million dollars budget spending \$850,000 for a single event.

I reiterate what we have said on both sides of the aisle: transparency is not a partisan issue. This is a bipartisan bill, and whoever is in the White House and whoever is running agencies, just like Congress, is accountable to all the American people.

This makes all of what we do publicly available, easy to be able to research, easy to be able to compare. It is a simple way to take this on. I'm strongly in support of this and grateful that it's a very bipartisan act.

Mr. CUMMINGS. Madam Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership, and I thank the chairman for his leadership.

This is truly a bipartisan effort, and one that is sorely needed, as we can see from the hearing that we held last week in the Oversight and Government Reform Committee on the General Services Administration. And it was just outrageous that they would spend

over \$800,000 for some conference with mind readers and clowns when so many Americans are struggling and working hard.

This bill will help prevent this type of abuse from happening again, and I am rising in strong support of H.R. 2146, the Digital Accountability and Transparency Act.

It is good government, it is bipartisan, it is something that we can all agree on. It is common sense, and if it had been in place earlier we could have possibly prevented the type of abuse that we are both dedicated to cleaning up.

This bill will improve congressional oversight of how Federal dollars are being spent. This bill does this by creating a single online portal for information about where Federal spending can be tracked. The bill requires recipients of Federal grants, loans, and contracts to disclose how much money they receive and how that money is spent, and reduces the compliance burden on recipients of Federal funds by streamlining reporting and establishing universal data standards.

The Congressional Budget Office has certified that:

H.R. 2146 contains no intergovernmental or private-sector mandates, as defined by the Unfunded Mandates Reform Act (UMRA), and would impose no additional costs on State, local or tribal governments.

This is designed to save money and to save the taxpayers, and to allow the public to have insight into how these dollars are being spent, too.

The DATA Act capitalizes on the reporting required under the American Recovery and Reinvestment Act and President Obama's executive order establishing the Government Accountability and Transparency Board, and it will give legislative teeth to increase transparency and accountability over Federal spending across the government.

The DATA Act also caps nonmilitary travel spending at 20 percent below FY10 levels and limits both the number of and amount spent on agency conferences, which will save taxpayers hundreds of millions of dollars per year.

So this is truly something we can all agree upon. The technology is there. This bill puts the political will behind having this accountability. We do know how to track this. This will be in one centralized place, it will be available to the public, and it's an improvement in all ways.

Currently available data on Federal spending is incomplete, confusing, and inconsistent. This act would centralize and simplify the convoluted reporting that is in place now, and everything would be reported in the same way. The bill also includes uniform reporting from the recipients of the Federal funds and, very importantly, all of this would be available to the public.

The independent commission that would be established by this would be responsible for publishing and monitoring Federal spending. A number of

diverse groups have come out in favor of it. I have roughly 20 groups that have written in support of the bill, from the Citizens for Responsibility and Ethics in Washington, to the Taxpayers for Common Sense, to POGO, to OMB Watch.

I believe this is an important bill. I believe it will make the government perform better, save taxpayers money, and the time of those who are tracking where these dollars are going. It is well overdue, and it should pass today.

I urge all of my colleagues on both sides of the aisle to vote for this important piece of legislation.

POGO AND PARTNERS STRONGLY SUPPORT  
PASSAGE OF THE DATA ACT

April 23, 2012.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: We, the undersigned organizations, are writing in strong support of the Digital Accountability and Transparency Act (DATA Act), H.R. 2146, which is planned for a floor vote this Wednesday. The DATA Act is an important step towards improving federal financial transparency and would empower the public to better understand how their federal dollars are being spent.

Currently available data on federal spending is incomplete and inconsistent. The DATA Act would centralize and simplify the convoluted spending reporting standards so that every government agency reports their spending in the same way. Importantly, the bill also includes uniform reporting from recipients of federal funds. All of this information will be readily available to the public.

The DATA Act establishes an independent commission responsible for publishing and monitoring federal spending, modeled after the Recovery Accountability and Transparency Board. It also sets consistent government-wide standards for financial data reporting. Its enactment will greatly improve the scope, granularity, timeliness, usefulness, and accuracy of public reports on federal spending beyond what is currently available.

Concerns many of us expressed with earlier versions of the legislation have been addressed. For example, the bill provides for continuity of the Federal Funding Accountability and Transparency Act and USAspending.gov. It ensures that reporting requirements will persist even if the Commission sunsets. It requires prime federal award recipients to identify all sub-awards, and expands Treasury Department reporting requirements. It also strengthens the Government Accountability Office's ability to obtain certain agency records.

This bill, introduced by Rep. Darrell Issa (R-CA), cosponsored by Rep. Elijah Cummings (D-MD) and 13 others, was passed unanimously by the House Oversight and Government Reform Committee, and enjoys strong bipartisan support.

We urge that you be present and vote "yes" on the DATA Act to shine a light on the spending of our tax dollars.

For more information, please contact Daniel Schuman of the Sunlight Foundation, Angela Canterbury of the Project on Government Oversight, or Sam Rosen-Amy of OMB Watch.

Sincerely,

Center for Responsive Politics, Citizens for Responsibility and Ethics in Washington, (CREW), Cost of Government Center, Data Transparency Coalition, Electronic Frontier Foundation, Fore See, Global Financial Integrity, iSolon.org, Jubilee USA Network, Liberty Coalition, Missionary Oblates US Province.

National Freedom of Information Coalition, National Priorities Project, OMB Watch, OpenTheGovernment.org, Progressive Librarians Guild, Project On Government Oversight (POGO), Tabulaw Inc., Taxpayers for Common Sense Action, Taxpayers Protection Alliance, The Sunlight Foundation, U.S. Transparency, Washington Coalition for Open Government, WashingtonWatch.com.

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. ROSS), the author of many of the reforms in this bill.

Mr. ROSS of Florida. Thank you, chairman, for yielding.

Madam Speaker, I rise in strong support of the Digital Accountability and Transparency Act of 2011, also known as the DATA Act.

The DATA Act finally does what America wants: opens up the books of government and lets the taxpayers see what is being spent. The bill also cuts agency travel spending by hundreds of millions of dollars per year, a great and necessary first step.

By requiring Federal agencies to report how their funds are spent and capping travel expenses, this common-sense bipartisan bill will bring much-needed accountability and transparency to Federal spending. The DATA Act should also send a clear message to bureaucrats here in Washington, D.C.

The American taxpayer is watching, and they're sick and tired of the blank-check mentality. Let's make sure that taxpayer dollars are no longer spent on lavish conferences. But with this bill we can also begin to crowdsource all Federal spending.

I thank the gentleman from California (Mr. ISSA) for introducing this bill and for his leadership on transparency and accountability in government. Let's make sure that common sense becomes something common in government.

Please join me in supporting the DATA Act.

Mr. CUMMINGS. I yield myself such time as I may consume.

As the Chairman stated and others have stated on this floor, we saw the abuses that took place at GSA, and we will certainly continue to follow them, because I believe that all of us were very upset about those abuses, Madam Speaker.

One of the things that we do believe is that the legislation like this is so important because it shines a light on how money is being spent. It won't solve all the problems, but it certainly will solve a lot of them.

□ 1350

One of the things that Mr. Devaney said, who was over the stimulus bill and the RAT Board there, is that he wanted to do certain things that not only would lay out a formula for accountability, but would prevent people from even abusing the system.

Again, I think what we're doing here puts us out front of, hopefully, some

things that people may have been thinking about doing. We don't even want to think about it because there are so many people in our districts who work so hard to earn their money, and they don't mind paying their taxes, they don't mind sacrificing, as long as they know that that money is being spent effectively and efficiently.

One of the things that we have to do, Madam Speaker, is to make sure that we establish and maintain a trust with them so that when they write that check, they know it's going towards the roads that they want to see built, going towards making sure the air is clean, and making sure that the park rangers are present. They want to see that money spent properly. They don't want to see it spent on some bureaucrats flying around the country using the money in an improper way.

So with this bipartisan bill, I think we send a message to the public that we're going to do everything in our power to make sure that they have as much information as possible about where that money goes when it leaves their checking account. And because of that and because this bill is so significant and because it is about a truly bipartisan effort, I'm hoping that we will have every Member of the House voting in favor of it.

With that, Madam Speaker, I yield back the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

Madam Speaker, the expression we often hear about success and failure is that success has many fathers, while, in fact, failure is an orphan. This bill will not be an orphan. In fact, the work of Ranking Member CUMMINGS, along with Representative MALONEY, Representative SHERMAN, Representative COLLIN PETERSON, and the former chairman of the full committee, ED TOWNS, on just one side, have been critical in getting this done. The support of JASON CHAFFETZ, DAN BURTON, BLAKE FARENTHOLD, the gentleman who spoke a minute ago, JAMES LANKFORD, MIKE KELLY, TOM LATHAM, PATRICK MCHENRY, and DENNIS ROSS all have been critical in this process.

But perhaps less often heard, as the ranking member referred, former Inspector General and chairman of the Recovery Board, Earl Devaney, has been critical to shepherding the process that has gone over two Congresses, and I want to thank him personally while he's enjoying his well-earned retirement. Along with him was Vice President JOE BIDEN, who has been supportive and helped us in this process and held numerous meetings at the White House on behalf of it. In the Senate, MARK WARNER of Virginia has championed and introduced the companion product, making it bipartisan in both Houses.

Additionally, as I think the ranking member alluded to, the Sunlight Foundation, the Project on Government Oversight, the American Institute of Certified Public Accountants, the Americans for Tax Reform, the Data

Transparency Coalition, and XPRL US have all been critical. The last one I mentioned is particularly critical because the need for standards that ultimately are set that allow for this transparency are going to come not from us in government but from organizations who have open and transparent capability that we will leverage. All of these and more are to be thanked today.

I want to close by saying the winners of this effort will be the American people. It will be the American people because when this is fully implemented, the American people, who are used to Googling for information outside of government, will find it possible to get meaningful information on where their hard-earned tax dollars are being spent just as quickly. And that's the goal of our committee: to recognize that the hundred-or-so staff and members on both sides of the aisle of the Oversight Committee cannot protect the American people alone. The 12,000-or-so members of the Inspector General's staff throughout government cannot protect the American people alone. But with data transparency and more access and sunlight available more broadly, we believe that these organizations can, in fact, have the kind of whistleblowers and information providers that will allow us to scrub the balance sheet to wrench out waste, fraud, and abuse in our government at any level.

So I join with the ranking member in urging its unanimous support and yield back the balance of my time.

Mr. CONNOLLY of Virginia. Madam Speaker, the Oversight and Reform Committee marked up the DATA Act without holding a single hearing about the advisability of creating additional, duplicative reporting requirements for grantees, subgrantees, contractors and subcontractors. The reporting requirements imposed by this bill would affect local and state governments, colleges and universities, and private sector federal contractors and subcontractors. I ask unanimous consent to include for the RECORD statements from the National Governors Association, National Association of Counties, National League of Cities, National Association of Chief Information Officers, International City/County Management Association, National Association of State Budget Officers, National Association of State Auditors, Comptrollers, and Treasurers, Government Finance Officers Association, and George Mason University opposing this legislation.

The authors of this bill believe that creating these additional regulations on the private sector and mandates on state and local governments will cost \$51 million per year, which is the new spending authorized by the DATA Act. That only represents the direct cost, not the indirect costs taxpayers will bear if local and state governments and colleges and universities must spend more money filing paperwork to comply with the requirements of this bill. That cost also does not account for the costs to private sector businesses to comply with new regulations imposed by this bill. University and contractor associations have not taken a public position opposing this legislation because of last-minute changes to the bill made by Mr. ISSA's staff.

These changes should have been made during Committee or Subcommittee markup, but our Committee engaged in no substantive deliberations about the content of the bill in that context. As a result, today we have a bill that probably is less costly to both public and private entities but nonetheless still creates new private and public sector regulations and mandates at a significant cost. I remain concerned that the laudable goal of creating a single reporting system for federal spending could be lost in a maze of duplicative and conflicting reporting requirements as a result of this bill.

It is ironic that a bill whose stated purpose is transparency would be rammed through Committee and then brought to the floor with last-minute changes made in the least public manner possible. As a result of this convoluted legislative process, there may be problems with the current text of the DATA Act which have not been subjected to review by the committee of jurisdiction. I hope that the Senate reviews the current text of this bill carefully not only because of the bill's costs, new regulations, and new mandates, but also because the haphazard manner in which the bill was written increases the likelihood that there are drafting errors, duplicative regulations, or provisions that are inconsistent with current law.

It should be obvious that our committee could work in a bipartisan manner to promote transparency through legislation like the DATA Act, but certain provisions of this bill and the lack of deliberation in developing it expose stakeholders to potential negative unintended consequences. For these reasons I must oppose this legislation.

GOVERNMENT FINANCE OFFICERS ASSOCIATION; INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION; NATIONAL ASSOCIATION OF COUNTIES; NATIONAL ASSOCIATION OF STATE AUDITORS, COMPTROLLERS AND TREASURERS; NATIONAL ASSOCIATION OF STATE BUDGET OFFICERS; NATIONAL ASSOCIATION OF STATE CHIEF INFORMATION OFFICERS; NATIONAL LEAGUE OF CITIES,

April 24, 2012.

Hon. DARRELL ISSA,  
*Chairman, Oversight and Government Reform  
Committee, House of Representatives, Wash-  
ington, DC.*

DEAR CHAIRMAN ISSA: On behalf of the above listed organizations, we are writing to commend you on your efforts to further transparency and accountability in federal spending and to express our sincere appreciation to your staff in working with many of our organizations to include recommended changes in the most recent draft amendment to H.R. 2146, the Digital Accountability and Transparency Act. We agree with the long term purpose of the Act to consolidate and streamline the reporting of federal funds. However, in addition to the overall goals of modernization, efficiency and accountability, the shift toward data reporting standardization should keep in mind the costs and burdens for fiscally strained state and local governments and other federal grant recipients.

While there are a number of positive changes contained in the most recent draft, we remain concerned about the magnitude of reporting and the stated timelines for implementation. The lack of funding for state and local governments to carry out the reporting and necessary oversight is disappointing given the enormous administrative chal-

lenges inherent in implementing Recovery Act-type reporting for all grants and contracts. Having adequate staff and sufficient equipment and data systems are essential to effective implementation and oversight.

The ultimate success of Recovery Act reporting and the resulting low level of fraud and abuse can be attributed not only to the work of the Recovery Accountability and Transparency Board but also to the commitment and dedication of accountability and oversight professionals at the state and local levels. It was recognized early on that the lack of funding for state and local governments was a major oversight and shortcoming of the original Recovery Act, and it appears that this shortcoming will be repeated in the DATA Act.

We believe that an efficient and streamlined reporting process, such as the one established in the DATA Act, hinges on identifying challenges and establishing well thought out and vetted business processes. Relying on the success of reporting for a small number of ARRA grants and contracts and expanding that universe to include all federal awards will require significant planning and resources.

We have recently become aware that the current Recovery Accountability and Transparency Board will conduct a grants information reporting pilot project this summer to identify cost efficiencies and the potential pitfalls of moving toward a centralized system for data collection and warehousing. Such a pilot would be an important step in identifying the plausibility of expanding ARRA-like reporting requirements to the entire universe of grants and contracts.

As we have suggested previously, we believe that developing a phased-in approach to implementing the DATA Act would allow for grant recipients to establish the appropriate processes for such an enormous endeavor. Such an approach would also give the Recovery Board an opportunity to undertake its planned information reporting pilots and would help to mitigate the reoccurring data quality problems that have plagued USASpending.gov.

While we support the intent of the DATA Act, trying to implement the requirements on all grants and contracts all at once will severely limit the chances of meeting the intended goals and objectives. We hope that you will reconsider the legislation in its current form to develop a reasonable phased-in approach for implementation and that you will consider adding a funding provision to support state and local governments, which will be essential partners for successful implementation.

We look forward to continuing the dialog on this important initiative. Please feel free to contact our representatives in Washington should you have any questions or desire further information.

MICHAEL BELARMINO,  
NACO.

CORNELIA CHEBINOU,  
NASACT.

LARS ETZKORN, NLC.

SUSAN GAFFNEY, GFOA.

ELIZABETH KELLAR, ICMA.

SCOTT PATTISON, NASBO.

PAM WALKER, NASCIO.

#### NGA OPPOSES DATA ACT LEGISLATION

WASHINGTON.—The National Governors Association (NGA) today issued the following statement regarding the establishment of an independent agency in the executive branch to improve transparency in federal spending and coordinate investigations to prevent fraud:

"While governors support the need for transparency in accountability and reporting, they have long opposed unfunded man-

"The DATA Act (H.R. 2146) builds upon lessons learned by states in tracking federal funds under the American Recovery and Reinvestment Act. Unfortunately, funding is not provided for the Act's numerous new requirements.

"Without funding for state compliance, governors cannot implement the bill and therefore do not support the passage of the DATA Act. Governors encourage Congress to work with them to develop a more workable solution that meets the needs of states.

GEORGE MASON UNIVERSITY, OFFICE  
OF THE VICE PRESIDENT, RE-  
SEARCH AND ECONOMIC DEVELOP-  
MENT,

Fairfax, VA, April 24, 2012.

Hon. Gerry Connolly,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE CONNOLLY: I am writing to you regarding H.R. 2146, the Digital Accountability and Transparency Act (DATA Act), which is scheduled to be considered on the House Floor tomorrow. George Mason University very much appreciates all your efforts to make the necessary changes in the bill so it would accomplish the goal of more accountability and transparency in federal spending by enhancing the reporting requirements of Federal agencies and recipients of federal funds. We support this goal and also recognize the sincere efforts of all those involved to meet the concerns of the various stakeholders. Nevertheless, we continue to oppose the bill for the following reasons.

The bill requires recipients to report, not less than quarterly, any transaction, basic location information, individual Federal awards by agency, the total amount of funds received and the amount of funds expended or obligated for an individual award per quarter, subawardees (or prime awardee depending on status of recipient) and any additional information requested. Mason has approximately 650 active awards totaling over \$285 million. Mason already reports on each of these, and to do so on a quarterly basis would require an additional 2½-3 additional FTEs. This is just the administrative cost to our Office of Sponsored Programs, not counting the time PIs would have to spend. Since State funds are dwindling and administrative costs allowed in indirect costs are capped at 26% the Act will impact our budget.

It should be noted that the Federal Demonstration Partnership found that the Recovery Act quarterly reporting resulted in each award costing an additional \$7900 to administer, for little useful information. Research is about creating and advancing knowledge and is less prone to duplication and abuse because researchers generally know their peers and their published work. We have several other concerns such as the FAST Commission and the penalties for non-compliance, but the cost of quarterly reporting is the most direct.

Again, thank you for all you do on behalf of George Mason University. I look forward to continuing to work with you. Please let me know if you have any questions.

Sincerely,

KERRY D. BOLOGNESE,  
Director of Federal Relations.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to speak on H.R. 2146, the DATA Act. I join all of my colleagues on both sides of the aisle in supporting greater transparency in Federal grants and contracts. But the details in how we reach that goal are important. The bill as reported by the Committee on Oversight and Government

Reform would have created an extra level of bureaucracy and duplicative reporting of financial data in addition to an administrative tax on scarce Federal research dollars and an unfunded mandate imposed on our already struggling universities.

Research universities, the economic engines of our Nation, typically receive research grants from 6-7 Federal agencies, each with its own financial reporting requirements and data standards. The bill as introduced would simply have added one more agency, in the form of the new Commission, to which universities would have to report. This would have increased the administrative costs on Federal research dollars without providing any new information about funding to those institutions.

The amendment being considered today is a big improvement on the original bill in ensuring that financial reporting of Federal grants and contracts is standardized and consolidated to reduce the overall administrative burden on grant recipients such as universities while providing the increased transparency that is the goal of this bill. I want to express my appreciation to Chairman ISSA and Ranking Member CUMMINGS for working closely with the university groups to address these issues.

However, I believe that more work still needs to be done on this bill to guarantee that financial reporting is fully streamlined and agencies are required to comply with a consolidated reporting system. I understand that the transition will be difficult for all involved, including both the granting agencies and the grant recipients, but I also believe that a consolidated financial reporting system is good for the government and good for the taxpayer.

I share with some of my colleagues other concerns that have been expressed about this bill, but today I speak only in my role as Ranking Member of the Committee on Science, Space, and Technology. I hope that Chairman ISSA and Ranking Member CUMMINGS will maintain their open dialogue with the universities and other Federal grant and contract recipients about the details of this bill as it moves forward. I believe we all share the goal of increased transparency while keeping U.S. research dollars directed to ground-breaking research that is the foundation of our economic growth, rather than to additional paperwork.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 2146, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SMALL BUSINESS CREDIT AVAILABILITY ACT

Mr. LUCAS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3336) to ensure the exclusion of small lenders from certain regulations of the Dodd-Frank Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3336

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Credit Availability Act".

#### SEC. 2. CLARIFICATION OF SWAP DEALER DEFINITION.

Section 1a(49) of the Commodity Exchange Act (7 U.S.C. 1a(49)) is amended by striking all that follows subparagraph (A)(iv) through subparagraph (C) and inserting the following: "provided however, in no event shall an insured depository institution, an institution chartered and operating under the Farm Credit Act of 1971, or a United States uninsured branch or agency of a foreign bank that has a prudential regulator be considered to be a swap dealer to the extent that it enters into a swap—

"(I) with a customer that is seeking to manage risk in connection with an extension of credit by the institution to, on behalf of, or for the benefit of, the customer; or

"(II) to offset the risks arising from a swap that meets the requirement of subclause (I).

"(B) INCLUSION.—A person may be designated as a swap dealer for a single type or single class or category of swap or activities and considered not to be a swap dealer for other types, classes, or categories of swaps or activities.

"(C) EXCEPTIONS.—

"(i) The term 'swap dealer' does not include a person that enters into swaps for such person's own account, either individually or in a fiduciary capacity, but not as part of regular business activities as described in subparagraph (A).

"(ii) In determining whether a person is a 'swap dealer' within the meaning of subparagraph (A), the following shall not be considered as part of the determination:

"(I) any swap entered into for a person's own account for the purpose of hedging or mitigating commercial risk; and

"(II) any swap entered into for a person's own account for the purpose of meeting State or local governmental regulatory compliance purposes.

"(iii) In determining whether a person is a 'swap dealer' within the meaning of subparagraph (A)(iii), any swap which involves a capacity contract, a renewable energy credit, an emissions allowance, or an emissions offset shall not be considered as part of that determination, if—

"(I) the contract, credit, allowance, or offset is utilized to meet obligations under State or local law or regulation for that person; and

"(II) the swap is entered into for that person's own account."

#### SEC. 3. EXCLUSIONS FROM FINANCIAL ENTITY DEFINITION.

Section 2(h)(7)(C)(ii) of the Commodity Exchange Act (7 U.S.C. 2(h)(7)(C)(ii)) is amended to read as follows:

"(ii) EXCLUSION.—Such definition shall not include an entity that is a small bank, savings association, farm credit system institution, non-profit cooperative lender controlled by electric cooperatives, or credit union if the aggregate uncollateralized outward exposure plus aggregate potential outward exposure of the entity with respect to its swaps does not exceed \$1,000,000,000."

#### SEC. 4. CLARIFICATION OF THE EXEMPTIONS FOR CAPTIVE FINANCE COMPANIES FROM THE DEFINITION OF MAJOR SWAP PARTICIPANT AND FROM THE SWAP CLEARING REQUIREMENT.

(a) EXCLUSION FROM DEFINITION OF MAJOR SWAP PARTICIPANT.—Section 1a(33)(D) of the Commodity Exchange Act (7 U.S.C. 1a(33)(D)) is amended to read as follows: